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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Lemuel Harold Palmer, V,

10 Petitioner,

11 v.

12 Ryan Thornell, et al.,

13 Respondents.  
14

No. CV-24-00303-PHX-DWL

**ORDER**

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus  
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of  
17 the United States Magistrate Judge (Doc. 11). The R&R, which was issued on July 17,  
18 2024, recommended that the petition be dismissed with prejudice and further provided that  
19 "[t]he parties shall have fourteen days from the date of service of a copy of this  
20 recommendation within which to file specific written objections with the Court." (Doc. 11  
21 at 19.)

22 Here, no such objections have been filed and the deadline has expired. Thus, the  
23 Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S.  
24 140, 149-50 (1985) ("It does not appear that Congress intended to require district court  
25 review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard,  
26 when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d  
27 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and  
28 recommendation unless objections are filed."). *See also United States v. Reyna-Tapia*, 328

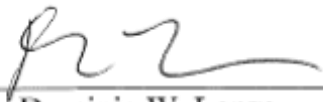
1 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s  
2 findings and recommendations de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 11) is accepted,  
5 that the Petition (Doc. 1) is dismissed with prejudice, and that the Clerk of Court shall enter  
6 judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to  
8 proceed *in forma pauperis* on appeal be **denied** because petitioner has not made a  
9 substantial showing of the denial of a constitutional right and because the dismissal of the  
10 petition is justified by a plain procedural bar and jurists of reason would not find the  
11 procedural ruling debatable.

12 Dated this 12th day of August, 2024.

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17 Dominic W. Lanza  
18 United States District Judge  
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